

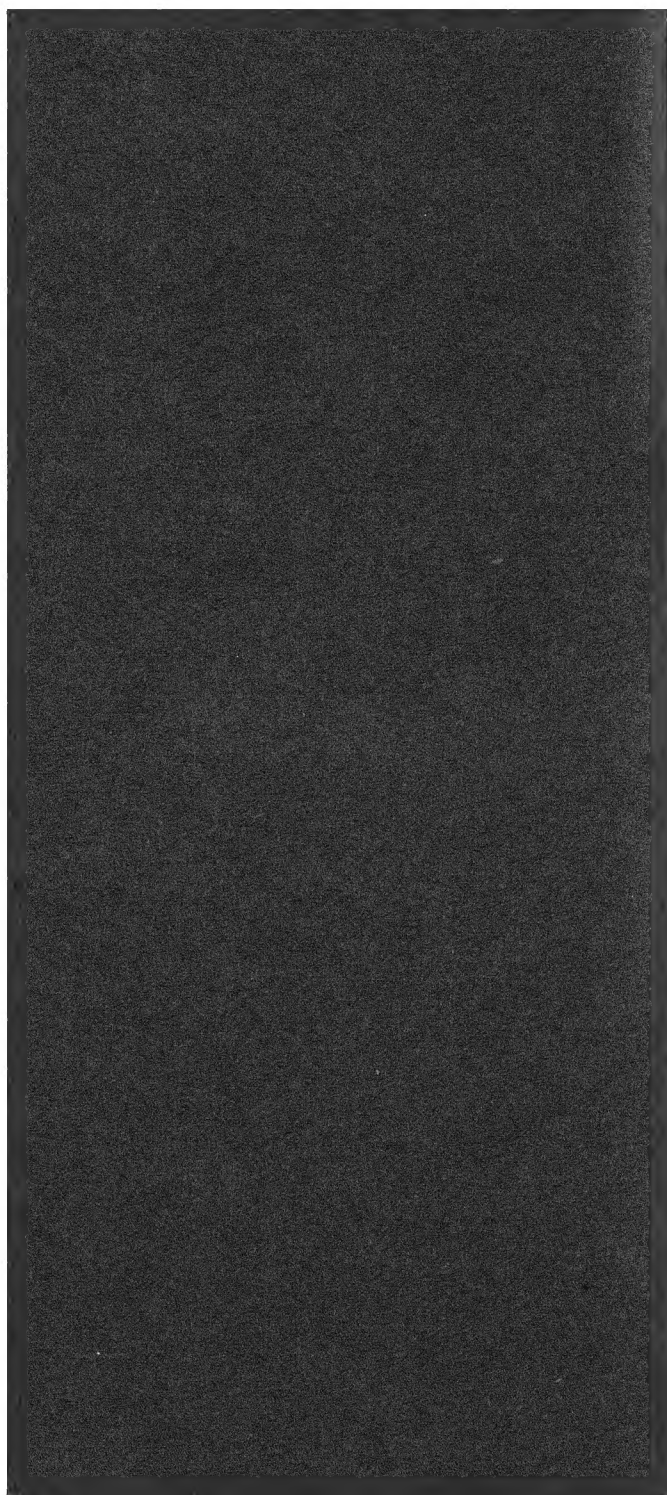
DOMINION LANDS

HAND-BOOK

For the Information of the
Public

Issued by the Department of the
Interior, Ottawa, Canada

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HOMESTEAD ENTRY.

What land available: All surveyed agricultural Dominion lands (excepting "School Lands" and "Hudson's Bay Company's Lands") in Manitoba, Saskatchewan, and Alberta only, which are not disposed of and not reserved or occupied, are open to homestead entry.

"School Lands" consist of sections 11 and 29 in each township.

"Hudson's Bay Company's Lands" consist of section 8 and the south half and the north-west quarter of section 26, in each township south of the north branch of the Saskatchewan river. In every fifth township, namely, townships numbered five, ten, fifteen, etc., the company acquired the whole of section 26.

Islands which are Dominion Lands in the Provinces of Manitoba, Saskatchewan, and Alberta are reserved from entry.

An entry does not include the mineral or water rights.

Who may make Homestead Entry :

Except as stated below, every person who is the sole head of a family, and every male who has attained the age of 18 years and is a British subject, or declares intention to become a British subject, is entitled to obtain entry for a homestead to the extent of one quarter-section, on payment of an entry fee of ten dollars.

A widow having minor children of her own dependent on her for support, is permitted to make homestead entry as the sole head of a family.

A widow who re-marries thereby ceases to be the sole head of a family, and is not eligible to make an entry.

N.B.—By Order in Council of the 14th of December, 1916, it is provided that "no application for an entry for a homestead shall be granted unless the person making the application was, at the commencement

of the present war, and has since continued to be a British subject or a subject of a country which is an ally of His Majesty's in the present war, or a subject of a neutral country, and unless he establishes the same to the satisfaction of the Minister of the Interior."

For further details as to restrictions of rights of subjects of enemy States, see under heading "Subjects of Enemy States."

Where Entry is made: Application for homestead entry may be made by a person eligible under the provisions of "The Dominion Lands Act" and the Orders in Council respecting subjects of enemy states, either at the Land Agency for the district in which the land is situate, or at the office of a Sub-agent authorized to transact business in the district.

Entry Before Sub-Agent: When application for homestead entry is made before a Sub-agent, such application must be transmitted to the Agent forthwith, and has no force or effect until received by him.

Notice of the receipt of the application may be wired by the Sub-agent, at the expense of the applicant, to the Agent, and in such case the land, if available, will be held until the application papers are received.

When a Sub-agent has received an application for entry for a quarter-section, he must not receive another application for the same quarter-section from any other person until the first application has been dealt with by the Agent.

Application for entry must be made by the applicant in person.

Entry by proxy: Application for homestead entry by proxy is permitted, however, in the case of a person applying on behalf of husband, father, mother, son, daughter, brother or sister, when duly authorized to do so in the form prescribed. In such case the proxy must appear before the Land Agent for the district in person. Application for entry by proxy cannot be accepted by a Sub-agent.

The homesteader, on whose behalf such an entry is made, must, before the expiration of six months from the date of the entry, appear personally before the Agent (not a Sub-agent) and satisfy him by declaration as provided that he is already in residence or on his way to commence such residence, and in the latter case that he will be in residence before the end of the six months. Should he fail to appear, the Agent must cancel the entry without notice at the end of six months from date of entry.

No extensions of time within which to commence residence duties are granted in connection with a proxy entry.

Second Homestead Entry: The privilege of entry for a second free homestead is restricted

by "The Dominion Lands Act" to those who completed the duties on their first homesteads to entitle them to patent on or before the 2nd June, 1889.

Entry obtained by Fraud: When, in the opinion of an Agent, an entry has been secured under an assumed name or by misrepresentation, personation, perjury, or fraud of any kind, it shall be his duty to secure all available evidence and forward same to Head Office.

If fraud is established to the satisfaction of the Department, the entry will be immediately cancelled, and at the discretion of the Minister the entrant will be liable to loss of improvements or to the right to make a homestead entry, or both.

A homestead is for the sole use and benefit of the entrant, and neither directly nor indirectly for the use or benefit of any other person or persons whomsoever, and the violation of this provision renders the entry liable to cancellation.

ASSIGNMENT PRIOR TO ISSUE OF PATENT ILLEGAL.

An assignment or transfer or mortgage of a homestead or a purchased homestead, or any part thereof, or of a pre-emption or any part thereof, and any agreement to assign or transfer or mortgage a homestead, or a purchased homestead, or any part thereof, or a pre-emption or any part thereof, made or entered into before the issue of the letters patent is null and void, and the person so assigning or transferring or mortgaging, or making an agreement to assign or transfer or mortgage, renders his homestead, his purchased homestead, or his pre-emption, as the case may be, liable to forfeiture. An exception is made in the case of an assignment of the homestead, pre-emption or purchased homestead of a deceased settler (see page 6), or an assignment made to a railway company of land required for the right of way or station grounds.

(See also under the heading "Trafficking in Dominion Lands.")

LANDS VALUABLE FOR TIMBER.

Timber Land Defined: A quarter-section containing more than twenty-five acres of "merchantable timber" is not open to entry. If entry is granted thereon it will be liable to cancellation.

An applicant is required to make a statutory declaration that the quarter-section applied for does not contain more than twenty-five acres of "merchantable timber."

Merchantable timber means spruce, jack-pine, or tamarack suitable for lumber, railway

ties or telegraph poles; or timber of poplar, birch, spruce, jack pine or tamarack suitable for building timber over 10 ten inches at butt.

If a quarter-section upon which there is not twenty-five acres of "merchantable timber" as above defined contains more than twenty-five acres of timber suitable for cordwood or fence poles, it is not open to entry unless such entry is granted on the condition that it will be subject to the issue of permits upon the remainder of the quarter-section after the homesteader has selected and defined, subject to approval, twenty-five acres for his own use.

Lands included in timber berths are not available for entry.

SQUATTER BEFORE SURVEY.

A person who has bona fide settled and made improvement on agricultural land before the survey thereof, and is in occupation of and ordinarily resident on the land at the time of the survey shall, if he is eligible under the Act to make entry for a homestead (or purchased homestead, if within the purchased homestead tract), have a prior right to obtain entry for the land so settled on: Provided that this right is exercised within six months after notice in writing that the land is open for entry, has been given by the local Agent to the said person or has been posted in a conspicuous place on the land; and that entry shall not be allowed for more than a quarter-section as a homestead.

And provided further that at the time of such person's first occupation of the land claimed the nearest surveyed line was more than half a mile from such land.

SQUATTER AFTER SURVEY.

Occupation of surveyed lands by squatting thereon without authority gives no right thereto, and all persons are warned that such occupation is illegal, and the squatter liable to ejectment and forfeiture of improvements.

PAYMENTS FOR IMPROVEMENTS.

Before a person is granted entry for a homestead, a pre-emption, or a purchased homestead, he shall declare what improvements, if any, there are upon the land for which he applies, and pay to the Agent or Sub-agent the full amount of his valuation of such improvements. Should he fail to make such declaration his entry shall be liable to cancellation.

In the event of uncertainty as to the correctness of the entrant's valuation, or if the value of the improvements is placed at over \$25, the Agent shall cause such improvements to

be examined and valued by a Homestead Inspector. If a surplus has been paid, the excess amount may be refunded. If insufficient has been paid, the entrant must at once pay the difference, otherwise his entry may be cancelled.

PERFECTING AN ENTRY.

A homesteader is allowed six months from the date of his entry within which to perfect the same by taking possession of the land and beginning his residence duties in connection therewith. Any entry not so perfected within that period is liable to cancellation.

Protection: For cause shown, however, Head Office may protect an entry for an additional period of six months. This does not apply to entries made by proxy.

DECEASED HOMESTEADERS.

In the event of the death of an entrant for a homestead before the completion of the requirements for the obtaining of letters patent therefor, his legal representative shall only be required to fulfil the conditions as to the erection of a habitable house and as to cultivation in order to entitle him to obtain letters patent after the expiration of three years from the date of the entry for the homestead; or the legal representative may assign the homestead to a person eligible to obtain a homestead entry; and the assignee shall, after

- (1) the expiration of three years from the date of entry for the homestead,
 - (2) holding the homestead for his own exclusive use and benefit from the date of the assignment, and
 - (3) completing the residence and cultivation requirements in the same manner as the person who made the entry would have been required to complete them,
- be entitled to letters patent for the homestead. The assignee does not thereby exhaust his homestead right.

After being appointed the assignee of a deceased homesteader, such assignee may then make homestead entry in his own name, and he may hold such homestead and perform the duties while acting as an assignee. No person can act as assignee for two different homesteads at the same time.

If a homesteader dies before perfecting entry by commencement of residence within six months, the entry becomes liable to cancellation. The Department may, however, on application extend the time for the performance of the duties if the legal representatives have taken out letters of administration, or have them in course of preparation, with intention of

performing the required duties; but not in the case of a settler who has obtained a homestead entry by proxy unless he had personally appeared at the Agency, or commenced actual residence on the homestead.

When an entrant dies the relatives or heirs should, without delay, inform the Local Agent fully as to their intention of fulfilling the necessary duties and earning patent.

The above provisions apply with necessary changes to the cases of deceased entrants for purchased homesteads and pre-emptions.

INSANE HOMESTEADERS.

In the event of any person who obtained entry for a homestead becoming insane or mentally incapable, and by reason of such insanity or mental incapacity, unable to complete the requirements necessary for the obtaining of letters patent therefor, the guardian or committee of the said person, or any person who, in the event of his death, would be entitled as his legal representative to do so, shall only be required to fulfil the conditions as to the erection of a habitable house and as to cultivation before the issue of letters patent; but the letters patent shall not be issued until the expiration of three years from the date of the entry.

If a homesteader becomes insane or mentally incapable before perfecting entry by commencement of residence within six months, the entry becomes liable to cancellation. The Department may, however, on application, extend the time for the performance of duties by the guardian or legal representative, but not in the case of a proxy entrant unless he had personally appeared at the Agency or commenced actual residence on the homestead.

The above provisions apply, with necessary changes, to the cases of entrants for purchased homesteads and pre-emptions.

CANCELLATION PROCEEDINGS.

NOTE.—The Department cannot accept an application to cancel an entry for land which is situated within the boundaries of a forest Reserve, or any other reservation of a general character.

Reasons for Cancellation: An entry is liable to cancellation—

(a) If the residence or cultivation duties or other conditions are not being fulfilled.

(b) If a homesteader is absent from the homestead for a period of over six months at any one time. For the protection of his own interests the entrant should keep the Local

Agent informed of any change in his postal address.

(c) If obtained or granted under an assumed name, or by error, personation, misrepresentation, perjury, or other fraud.

(d) If the land is valuable because of merchantable timber upon it exceeding twenty-five acres in extent.

(e) If improvements upon the land have not been paid for or have been misrepresented.

(f) If an entrant executes an abandonment of his entry for a consideration, or assigns or agrees to assign any right therein prior to issue of patent.

(g) A reservation for a minor is liable to application for cancellation for non-fulfilment of the conditions, or if the same was obtained through error, misrepresentation or fraud.

An application to cancel is not accepted in any case where the only default is in the payment of the interest or principal, or where the only default is that patent has not been applied for within the required time.

Eligibility to cancel: An applicant for the cancellation of an entry is required to satisfy the Agent or Sub-agent that he is eligible to make entry under the provisions of the Dominion Lands Act. He is further required to submit satisfactory evidence that he was at the commencement of the present war, and that he has since continued to be, a British subject or the subject of an allied or neutral country.

The rules laid down as to evidence of naturalization in connection with an application for entry will also apply in dealing with an application for cancellation of an entry.

Application to cancel an entry which is liable to cancellation may be made by a person eligible to enter for a homestead, or by a minor who is at least seventeen years and six months of age, eligible to have a homestead reserved for him, and who files a declaration as to his eligibility.

Any person who is eligible to make entry for a purchased homestead may apply for the cancellation of an existing entry within the purchased homestead tract with a view to making entry for the land as a purchased homestead.

In a pre-emption township, application for cancellation of an entry may be made by the homesteader of an adjoining quarter-section, provided he is eligible to enter for the same as a pre-emption.

Before an application to cancel is accepted from a woman claiming to be the head of a family, her eligibility to make an entry must first be established.

APPLICATION TO CANCEL.

Application for the cancellation of an entry liable to cancellation must be made in person at the Land Agency for the district within which the land is situate, or at the office of a Sub-agent authorized to transact business for that district.

If the applicant for cancellation has formerly held an entry which has been cancelled (whether proxy or otherwise), he will require to produce the usual authority from the Department showing that he is entitled to re-enter.

When application for cancellation is made before a Sub-agent, such application must be transmitted to the Agent forthwith, and has no force or effect until received by him.

Notice of the receipt of the application may be wired by the Sub-agent at the expense of the applicant.

An application for cancellation will not be accepted or considered if made within six months of the date on which the entry was granted, unless such application is made on the ground of ineligibility or fraud. In such case the application may be accepted at any time after date of entry and must be accompanied by a statement on oath giving full particulars.

An applicant for cancellation may not make a second application until the first is disposed of.

The applicant for the cancellation of an entry is required to make a statutory declaration stating in what particulars the entrant is in default, also that he has visited the land affected, and that he has personally satisfied himself that the duties are not being properly performed. If his statement should subsequently be found to be incorrect in material points, the applicant will lose his right to enter for the land in case it should become available, or if the entry has been granted him it may be summarily cancelled.

When an application for cancellation is accepted by the Agent he shall, on the prescribed form, give the entrant sixty days within which to show cause why his entry should not be cancelled.

Should he fail to file a defence, his entry will be summarily cancelled by the Agent.

In the event of the entrant filing a defence, it must be submitted for consideration to Head Office.

DISPOSAL OF CANCELLED LANDS.

When an entry is cancelled by proceedings taken upon an application for cancellation, or when there is an application to cancel prior to cancellation, the applicant for cancellation is given thirty clear days to make entry.

Notice to the applicant must be sent by mail, and the Agent is not required to notify any other person in connection with the quarter-section.

If the applicant for cancellation fails to appear within the thirty days allowed, the agent will where the land is not in the pre-emption tract, post a notice of the cancellation in his office, available for public inspection, giving the date and hour of such posting, and the land will, after being posted for ten clear days, become available to the first eligible applicant thereafter.

In the pre-emption tract the Agent will follow the procedure set forth under "Pre-emption applications to be considered before posting."

APPLICATION FOR LANDS NOT AVAILABLE DOES NOT GIVE PRIORITY.

An application made either in person or in writing for vacant land not then available or land under reservation, or land not available for any reason, will not give the applicant any prior right with respect to such land in the event of its becoming available.

RESERVATION FOR MINORS.

An Agent may reserve an available quarter-section as a homestead for a minor over seventeen years of age, until he is eighteen, on the following conditions:

First.—His father, mother, brother, or sister must live upon his or her homestead, or upon farming land owned solely by him or her not less than eighty acres in extent, within nine miles of the quarter-section applied for, exclusive of the width of the road allowances crossed in the measurements.

Second.—The relative in question and the minor must both appear before the Agent or Sub-agent and make statutory declarations, giving the date of the minor's birth and the full name and residence of the relative. When this information has been satisfactorily furnished, the Agent may reserve the quarter-section, reporting to Head Office.

If the period of reservation includes the months of June and July, five acres of the land reserved must be broken during these months. Unless this requirement is complied with the reservation will be liable to cancellation.

Entry must be made within one month after the applicant reaches the age of eighteen years.

No reservation made for a minor may be withdrawn, except on the written application of parent, brother or sister, and the minor, and after approval by the Head Office.

When application for reservation is made before a Sub-agent, the Sub-agent may wire notice to the Agent at the expense of the applicant the same as for Homestead entry.

In the event of failure to apply for entry within the time specified in this section, the reservation shall cease and determine, and the land shall, after being posted ten days, be open to the first eligible applicant.

The privilege of reservation for minors does not apply to pre-emptions.

ABANDONMENT OF ENTRY.

A homesteader, purchased homesteader, or pre-emptor may, by permission of Head Office, abandon his entry, and obtain authority to make another entry upon executing the prescribed declaration of abandonment.

A homesteader against whose entry there stands a government seed grain lien, and who has abandoned that entry, or whose entry has been cancelled by the Department, is only permitted to make another entry subject to the seed grain lien upon the abandoned or cancelled homestead being transferred to the homestead upon which he has been permitted to enter.

The abandonment of a homestead entry after cancellation proceedings against it have been begun does not affect the right of the applicant for cancellation.

Abandonment in favour of a Relative:

A homesteader, purchased homesteader, or pre-emptor, whose entry is not a proxy entry, and is not the subject of cancellation proceedings, may abandon the same in favour of a father, mother, son, daughter, brother, or sister, if eligible, upon filing the usual declaration.

Duties done by the entrant are not credited to the relative.

This privilege is allowed a pre-emptor only where there are no cancellation proceedings pending against either his homestead or pre-emption.

If there is a seed grain lien recorded against the land abandoned in favour of a relative as aforesaid, it will remain recorded against the land when entered for by such relative.

When an entry has been abandoned in favour of a relative and such relative is granted re-entry for the land, the latter will not be permitted to re-abandon in favour of the former entrant, or another relative, unless good reasons are shown for the desired action. Cases of this kind are to be referred to Head Office for decision.

Abandonment of Proxy Entry: An abandonment in favour of a relative, executed by a settler who holds a proxy entry, will only

be accepted provided the entrant has appeared before the agent for the district and has filed the usual statutory declaration on Form "82C", and further satisfies the Agent by statutory declaration that he (the entrant) has lived upon the land for a period of not less than thirty days.

Must be sent Agent for the District :

Declarations of abandonment must be sent to the Agent of Dominion Lands for the District in which the land is situated. The Agent will immediately note such abandonment and forward it to the Department for consideration and action.

All declarations of abandonment must reach Head Office before permission will be given the applicant to re-enter. No abandonments by wire will be accepted.

Terms of Payment : In the case of a purchased homestead or pre-emption entry abandoned in favour of a father, mother, brother, sister, son or daughter, instalments of principal and interest, if any, due at the date of abandonment must be paid. Payments which have been made by the entrant who abandons are to be credited to the relative who re-enters. If the relative desires to re-enter for the land as a free homestead, he will only be permitted to re-enter on the condition that he **make the remainder of the payments** as provided under the original entry; if he re-enters for it as a pre-emption or purchased homestead, the remainder of the payments are to be made in accordance with the new entry.

Cannot abandon in favour of a Minor :

An entrant is not permitted to abandon his entry in favour of a minor relative in order that it may be reserved under the provisions relating to "Reservation for Minors."

Cannot abandon to Locate Half-breed

Scrip: The abandonment of an entry in favour of a relative or any one else for the purpose of locating Half-breed Scrip, is not allowed.

HOMESTEAD DUTIES.

(a) Residence Duties.

A homesteader is required to perform the residence duties by residing in a habitable house on his homestead at least six months in each year during a term of three years.

Residence Defined : "Residence," or "Residence Duties" for the purpose of the homestead law means actual and bona fide residence in a dwelling house by the entrant in person upon the homestead, or in accordance with the vicinity provisions. Residence duties cannot be done by a member of the homesteader's family or by any other person as proxy on his behalf.

Sleeping on homestead : Sleeping on a homestead at night for a period of six months in

the year, while following elsewhere during the daytime a trade or calling other than agriculture, will not be accepted as residence within the meaning of the Act, unless the residence of the homesteader is established by his family living continuously on the homestead during such period of residence, and by the homestead being his own sole place of abode during such period.

Where it is shown that a homesteader teaching school during the day makes the land his home in good faith, sleeping there at night, besides performing the necessary cultivation duties, residence may be accepted as satisfactory, but no exemption will be allowed from the performance of any of the duties.

Military Training: A homesteader may be permitted to count as actual residence performed on the homestead, the time spent undergoing annual training in military instruction camps, not exceeding 18 days, provided a certificate from his commanding officer is submitted, showing that the time involved was actually spent in training.

Residence for six months in each of three years, after homestead entry, satisfies the residence requirement necessary to entitle the entrant to patent, without regard to periods during each year when the residence was done, but absence from the land for more than six months at any one time renders the entry subject to application for cancellation.

Residence for any period less than thirty consecutive days is not accepted as constituting residence for the purpose of perfecting an entry or of establishing an entrant in good standing.

Homestead Year: Homestead duties must be performed during a period of three years. Residence may be calculated:

- (1) from date of entry, or,
- (2) from date of commencement of residence, either before or after entry, or,
- (3) from any date subsequent to date of entry or date of commencement of residence, or,
- (4) the performance of six months' residence in each of three calendar years.

Residence while land stands in name of another person will not be accepted.

Residence by the family only cannot be ganted towards patent; but residence by the family admits of liberal protection in the case of an ordinary homestead entry.

(b) Residence in the Vicinity.

The term "vicinity" is defined as meaning not more than nine miles in a direct line, exclusive of the width of the road allowance crossed in the measurement.

A homesteader may, if he so desires, perform the required residence duties by living on a

farm owned solely by him, not less than eighty (80) acres in extent, in the vicinity of his homestead. Joint ownership in the land will not meet this requirement.

Residence with Relatives : If the father, mother, son, daughter, brother or sister of a homesteader has a permanent residence on a farm owned solely by him or her, not less than eighty (80) acres in extent, in the vicinity of the homestead, or upon a homestead, purchased homestead, pre-emption, or South African Volunteer Scrip grant, entered for by him or her in the vicinity, such homesteader may perform his own residence duties so far as his homestead is concerned, by living with such relative.

The privilege above mentioned is also extended to include residence with the following relatives:

Step-father, step-mother, step-brother, step-sister, step-son, step-daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, half-brother and half-sister.

A homesteader intending to perform his residence duties while living on a farm owned by himself, or by a relative, in the vicinity, must notify the Agent for the district of such intention, and keep him informed as to his post office address. Otherwise his entry is liable to become the subject of cancellation proceedings.

When residence has been performed in the vicinity, a dwelling house is not required on the homestead.

A settler within the pre-emption tract who has acquired a homestead and pre-emption may fulfil the residence duties in connection with his homestead by living upon his pre-emption, but in this event he will not be able to obtain patent for his homestead until he has earned patent for his pre-emption. The Department will, however, on application, interchange the entries without fee.

(c) Ownership Defined.

Ownership of land in the vicinity of a homestead, when duties are being performed under the vicinity provisions, means that during the entire period of residence while earning patent, the land must either:

(a) be vested in the homesteader or relative as the case may be, or,

(b) be held by such homesteader or relative under bona fide agreement of sale.

Before patent will issue, ownership must, if the title is vested in the homesteader or relative, be established by the production of proof of the date of the commencement of ownership and by the production of abstract of

title showing ownership at time of application for patent.

An agreement of sale will be accepted as proof of ownership if the instalments of the purchase money accruing under the agreement have been fully paid to the date of application for patent for the homestead, and if at least one-third of the total purchase price has been paid at that date.

If after performing residence on the homestead, the entrant completed the residence requirements by living on purchased land, instead of one-third of the total purchase price being required to have been paid at the date of application for patent, it will be satisfactory if an amount has been paid proportionate to the length of residence on the purchased land.

If a homesteader performs residence on purchased land, and then completes the residence requirements by living on the homestead, proof of ownership during the time of residence on the purchased land must be produced, together with evidence of payment of instalments then accruing thereunder, which must total an amount proportionate to the length of residence on the purchased land. In this case it is not necessary that he should be the owner of the purchased land at the date of application for patent.

In the event of doubt as to whether the proportion paid may be accepted as sufficient, the case should be submitted for acceptance or refusal at the discretion of the Commissioner.

Ownership of land by the wife or husband of a homesteader is accepted as ownership by the homesteader, but an entrant is not permitted to perform duties by residing on unpatented land held under entry or under unpatented Volunteer Bounty scrip location by his wife.

Residence with the wife will count if the purchased land is held by her under agreement of sale, provided at least one-third of the purchase money is paid and instalments are paid to date, and that the ownership covers the periods of such residence.

Ownership of land by an entrant or relative in trust is not accepted.

Dominion Lands Agents are authorized and require to investigate fully any cases in which they have reason to think that the ownership is not bona fide; and no agreement of sale will be accepted if it is found to be fraudulent or not made in good faith or for good consideration.

(d) Cultivation Duties.

In all cases the land must be worked during each of three years, and a reasonable proportion of the breaking is required to be seeded in two of such years.

Entries made previous to the 1st June, 1908, are governed by the following practice:

A settler residing on his homestead is required to break a total of at least 15 acres, of which 10 acres must be cropped before applying for patent.

A settler performing his residence duties under the clause in the regulations permitting him to live with a relative, or on land owned by himself, must break a total of at least 30 acres of the homestead, of which 20 acres must be cropped before applying for patent.

The following change in the regulations respecting cultivation duties applies to all homestead entries made on and after the 1st June, 1908:—

A homesteader who resides on his homestead is required to break a total of at least 30 acres of the homestead (of which 20 must be cropped) before applying for patent.

When the duties are being performed under the regulations permitting residence in vicinity the total required to be broken will be at least 50 acres (of which 30 must be cropped).

Wooded Lands : Entrants are expected in every case to bring the required area under cultivation. Where they have been unable to fully meet the requirements by reason of woods, rock, or the broken character of the surface, the area required may be reduced at the discretion of the Minister, and application for patent will be taken subject to acceptance by the Agent and Department after inspection and report by a Homestead Inspector ; but inspections of land of this character are not made prior to application for patent.

STOCK.

If a report from a Homestead Inspector shows that a quarter-section does not contain arable land to the extent required to obtain patent under the regulations with respect to cultivation, authority will be granted to the entrant to substitute stock in lieu of breaking and seeding.

If this privilege is granted, the entrant will be required to show, when making application for patent, that he has been the sole owner of stock as follows:—

On Homesteads:

During the whole of the first year, at least five head of stock;

During the second year, at least ten head of stock;

And from and after the expiration of the second year, up to the date of application for patent, at least sixteen head of stock.

On Pre-emptions:

Twenty head in the fourth and fifth years of the performance of duties;

From and after the expiration of the fifth year up to the date of the application for patent, at least twenty-four head of stock. The pre-emptor must continue to own the homestead.

On Purchased Homesteads:

During the whole of the first year, at least five head of stock;

During the second year, at least ten head of stock;

And from and after the expiration of the second year, up to the date of application for patent, at least sixteen head of stock.

Definition of Stock: The term "Stock" in this hand-book, includes cattle, that is, cows or bulls and their young, and horses, male and female and their young. Sheep and hogs are also included.

If sheep and hogs are kept, ten sheep or ten hogs, or ten sheep and hogs, will only be reckoned as the equivalent of one head of stock, that is, equal to one horse, or one cow or bull.

Must be kept on Land: All stock must be kept on the homestead, pre-emption, or purchased homestead, as the case may be, either for summer grazing or for winter feeding.

Buildings: Substantial buildings for the accommodation of the whole number of stock to be kept in any year shall be erected and maintained during the whole period such stock is to be kept and solely owned by the applicant for patent.

Such buildings shall, in the case of an ordinary homestead, be erected **upon the homestead itself**.

In the case of a pre-emption, such buildings shall be erected upon such pre-emption or the appurtenant homestead.

In the case of a purchased homestead, such buildings shall be erected upon such purchased homestead, or upon the entrant's free homestead, if his residence has been performed thereon in accordance with the regulations.

Yearly Declaration: The entrant or, in the case of his death, his legal representative, shall furnish to the Minister a statutory declaration, duly made and completed according to law, promptly after the expiration of each year during the period that he has kept stock upon his land, setting forth the numbers he has kept thereon during such year or period, and that they are and have been during that year or period, as specified in the statutory declaration, solely owned by him.

Fencing: The whole of the land entered for, shall be enclosed by a substantial fence to the satisfaction of the Minister.

Inspection before Patent: No patent shall be issued for a homestead, pre-emption, or purchased homestead upon which stock is kept

until a report made by a Homestead Inspector has been filed in the Department of the Interior, showing that the provisions of the regulations with respect to stock have been complied with.

APPLICATION FOR PATENT.

Application for patent may, after completion of the duties, be made by an entrant before an Agent, or before a Sub-agent for the district.

Patent cannot be issued to any entrant who is not a British subject by birth or naturalization, with this exception, that any alien who has not resided in the British Dominions, or been in the service of the Crown, for the period necessary for naturalization under the Naturalization Act, 1914, shall be entitled to obtain letters patent for a homestead in the same manner as if he were a British subject: Provided that he satisfy the Minister of the Interior that in all respects save such period of residence or service he is qualified to be naturalized, and declare upon oath his intention to be so naturalized as soon as he has completed such period of residence or service.

During the present war, subjects of any nations at war with Great Britain and Allies, will not be permitted to secure patents by executing Form 286 regarding naturalization, as it is not considered that they are eligible to swear that—

“Except the period of residence or service specified or provided in the Act, Chapter 44 of 4-5 George the Fifth, entitled ‘An Act respecting British Nationality, Naturalization and Aliens,’ and its amending Acts, as necessary in the case of an alien who desires to obtain a certificate of naturalization thereunder, I am qualified in all respects to be naturalized thereunder.”

Application for patent must not be taken until the full three years have completely elapsed from the date of entry, unless in the case of a squatter before survey.

Evidence must be taken only from disinterested witnesses who were actually resident in the locality during the period covered by their evidence, and who are able to testify from their personal knowledge and not from hearsay, and who are not members of the entrant's family.

An intending applicant for patent is required to produce two disinterested witnesses who are able to corroborate his statements in the regular way. The witnesses are expected to accompany the applicant, but if for any unavoidable cause this is not found possible, the application for patent will be taken, but it will then be necessary for the applicant to arrange for his witnesses, or either one of them, to appear at a later date.

The Department will not be responsible for arranging for the attendance of witnesses, and if they do not appear within a reasonable time the application for patent will be cancelled.

When at all possible, it is very much to the advantage of the applicant to have both witnesses appear with him.

Failure on the part of a homesteader to apply for patent within a period of five years from the date of entry renders his right to the homestead liable to forfeiture.

TRAFFICKING IN DOMINION LANDS.

Except as provided by law in the case of a deceased entrant, or in the case of land required by a Railway Company for right-of-way or station grounds, an assignment, transfer, or mortgage of a homestead, purchased homestead or pre-emption, or any part thereof, or an agreement to assign or transfer or mortgage, made before the issue of patent, is null and void, and the person so transferring, assigning or mortgaging, or agreeing to assign or transfer or mortgage, is liable to forfeit his homestead, his purchased homestead or his pre-emption.

Any person who receives, directly or indirectly, any consideration of any kind in connection with the abandonment of an entry held by him, shall be liable to the cancellation of his entry, and forfeiture of his right to re-enter, at the discretion of the Minister.

The person paying, or instrumental in paying, directly or indirectly, such consideration, shall be liable to forfeiture of his right of entry at the discretion of the Minister.

Every one is guilty of an indictable offence and liable to two years' imprisonment who buys, trades or sells, or professes to buy, trade or sell land, or any interest in or control of land open to homestead entry, or for which entry has been granted, before patent therefor has been issued.

RECEIPTS FOR MONEY.

A Dominion Land Agent, Crown Timber Agent, Sub-agent, or any other Agent, Officer or clerk of the Department of the Interior who receives money for the Department is required to issue a receipt therefor, made out on the regular printed form supplied by the Department, for each and every sum of money so received immediately on its acceptance by him.

Any person paying money for any purpose to a duly appointed Agent or official of the Department should obtain from him a receipt on a regular departmental receipt form. A receipt issued on any other form will not be recognized by the Department as valid.

INFORMATION FOR INTENDING SETTLERS.

On payment of a twenty-five cent fee, an intending settler may secure a certificate from the Agent setting forth the following information in regard to any quarter-section:—

Name of entrant.

Date of entry.

If cancellation proceedings outstanding, date when sixty days' notice expires.

If under protection, when same expires.

PURCHASED HOMESTEADS AND PRE- EMPTIONS—BOUNDARIES OF TRACT.

What Land Available: Purchased homesteads may be acquired within the area bounded on the south by the international boundary line; on the north by the north line of the 44th township; on the east by the line of the Minneapolis, St. Paul and Sault Ste. Marie Railway from the international boundary to the Canadian Pacific Railway main line, then by the Canadian Pacific Railway main line to the 3rd principal meridian, then by the 3rd principal meridian to the north line of the 44th township; on the west by the west line of range 26, west of the 4th meridian, from the international boundary to the Calgary and Edmonton Railway line, then by the Calgary and Edmonton Railway line to the north line of the 44th township.

Pre-emptions may be acquired within the same area, except that in townships in which any railway company has taken eight sections as part of its land grant, no-pre-emption may be taken.

PRE-EMPTIONS.

Who may make Pre-emption Entry : A person who obtains entry for a homestead under the Dominion Lands Act of 1908 and continues to own and reside upon the land included therein, and does not hold, or has not assigned his right to, or has not received patent for a pre-emption under that or any previous Act, or any person who has obtained entry for a homestead under the provisions of chapter 55 of the Revised Statutes, 1906, or any previous Act in that behalf, and continues to hold the land included therein, and does not hold, or has not assigned his right to, or has not received patent for a pre-emption under the present or any previous Act, may pre-empt any available quarter-section lying alongside his homestead, or separated therefrom by only a road allowance, on payment of a fee of \$10.

A squatter before survey, or a homesteader adjoining a newly surveyed township, desiring

to secure a pre-emption, should notify the Dominion Lands Agent for the district in writing to that effect, describing the particular quarter-section desired for pre-emption and the land occupied or held under entry. This notice must reach the Agent prior to the land becoming available for entry. The Agent will reserve such quarter-section from entry, except by the squatter or homesteader found to be entitled thereto, for fifteen days from and including the date upon which such lands were available for entry according to public notice given.

An application to reserve for pre-emption entry by a squatter or homesteader before the day set for the opening of the land to entry, only reserves the quarter-section in question for fifteen days from and including the day of opening. It does not give the applicant any prior right against another who is entitled to the same pre-emption.

Pre-emption applications to be considered before posting: Where land in the pre-emption tract which has been held under entry or reservation becomes available for posting, an adjoining homesteader who has not already secured a pre-emption, will be given fifteen days to come forward and make entry in the regular way. A notice to this effect is placed in the post office nearest the land and in the Sub-agent's office. It is also the practice to send a copy to the parties concerned, but the Department is under no obligation to mail such copy and the non-receipt of the same by the parties interested will not confer any standing upon them, nor any right to have the case re-opened later. In the event of there being more than one homesteader adjoining the quarter-section becoming available the homesteader who first made homestead entry is given preference, provided he is in good standing with respect to settlement duties.

Widow: A widow who has secured homestead entry as the head of a family, and afterwards remarries, is not eligible to make entry for a pre-emption.

The privilege of reservation for minors does not apply to pre-emptions.

Any person who receives patent for a purchased homestead, or who holds an entry for a purchased homestead, is not eligible to make entry for a pre-emption.

Pre-emption entries cannot be made by proxy.

PRE-EMPTION DUTIES AND PRICE.

The homesteader becomes entitled to patent for his pre-emption by:

Residence: Residing for six months in each of three years on either his homestead or pre-emption, after earning homestead patent.

If a settler has disposed of his patented homestead, he may be given credit in connection with his pre-emption for any residence performed on his patented homestead up to the date of the sale thereof, provided he furnishes, when making application for patent for his pre-emption the usual proof of ownership of the homestead quarter-section during the period he was living on it.

The settler cannot be allowed to count residence on the homestead, after he has sold it, under any circumstances.

House : Erecting a dwelling house on his homestead or pre-emption.

Cultivation: Cultivating 50 acres of either the homestead or the pre-emption, or both (in addition to the acreage required for the completion of homestead duties), a reasonable portion of which must be done in each of three years.

If he does not own his patented homestead when he comes to apply for pre-emption patent, he will have to show 50 acres of breaking upon the pre-emption, of which thirty acres must have been seeded.

There is no provision for reducing the area of cultivation required for a pre-emption, because of extra difficulty or expense in breaking.

Stock on Pre-emption : Upon proof being furnished in the form of a Homestead Inspector's report that the pre-emption does not contain arable land to the extent required to earn patent under the regulations with respect to cultivation, the entrant will be permitted to substitute stock.

When making application for patent, the entrant will have to prove in the usual way that he has continued to own his homestead and that he has had upon the land stock to the number of at least twenty head in the fourth and fifth years of the performance of duties, and from and after the expiration of the fifth year up to the date of application for patent for the pre-emption, at least twenty-four head of stock.

For further details as to keeping stock on land, yearly declaration, buildings and fencing, and inspection before patent, see paragraphs under the heading "Stock."

Payment: Paying for the pre-emption at the rate of three dollars an acre.

One-third of the total amount of the purchase money must be paid on the expiration of three years from the date of the receipt for the pre-emption fee, and the balance of the purchase money is payable in five equal successive annual instalments.

An instalment which is not paid upon the date when it becomes due shall bear interest at the rate of five per cent per annum from such date until it is paid.

Default in payment of interest or of instalments when due renders the pre-emption liable to cancellation by the Department.

Patent: Patent may be claimed at any time after completion of duties on paying the price in full, and unless claimed within eight years the pre-emption may be cancelled by the Department.

As soon as the pre-emptor can show that he has completed the full residence and cultivation duties for six years (including the time necessary to earn homestead patent) he may make application for pre-emption patent without making payment in full for the land; but the patent for the pre-emption will not be issued until the purchase money has been paid in full.

(NOTE.—This privilege is not allowed to anyone who wishes to make application for a pre-emption patent before the six years' duties have been done in full.)

Pre-emption Patent Without Completing Three Years' Residence: Upon proof being furnished by the holder of a homestead and pre-emption that he has complied with the conditions to earn patent for his homestead, he shall be entitled to patent for the pre-emption upon—

- (1) tendering the purchase price in full, together with the accrued interest, if any;

If an application for patent for a pre-emption is made before a Sub-agent, the entrant is required to satisfy the Sub-agent that the full amount due on the pre-emption purchase has been remitted to the agent for the district, by producing a receipt from the latter or a receipt for bank draft or post office money order.

- (2) submitting proof in the manner required by the Act that he has complied with the requirements thereof in all respects up to the date when the money was tendered by him.

It should be definitely understood that the entrant must be in good standing with respect to cultivation or stock, residence and improvements, when he makes application for patent and tenders payment.

- (3) That he has broken and prepared for crop the whole area of fifty acres called for in connection with his pre-emption entry.

(NOTE: If he has sold his patented homestead he must show that he is performing the requisite settlement duties in a habitable house upon the pre-emption, and that he has the whole of the required fifty acres broken and prepared for crop **on the pre-emption.**)

- (4) If proving up for the pre-emption by stock, the Act requires that the settler **must continue to own the homestead** and he must show that he has had upon

such homestead, or on the pre-emption, or on both, stock to the number of—

Five head during the first year of the performance of duties for such homestead and pre-emption;

During the whole of the second year, stock to the number of at least ten head;

And after the expiration of the second year, up to the date of his application for patent, to the number of at least twenty-four head;

And that he has fully complied with all the other requirements of the regulations up to the time of making proof and tendering payments.

(NOTE: A settler who earned patent for his homestead by residence in the vicinity, may secure patent **at once** for his pre-emption, in accordance with the terms set out in the foregoing paragraphs, by showing the necessary cultivation or stock, and paying in full, but if he delays applying for his pre-emption patent for more than six months after applying for homestead patent, he will require to show that he is in residence on the pre-emption, and otherwise complying with the law.)

CANCELLATION OF PRE-EMPTION.

If an entrant for a pre-emption fails to fulfil in any year the requirements of the Act in respect to his homestead or pre-emption, the Minister may cancel the pre-emption entry and in his discretion cause to be refunded any moneys paid on account thereof. Refund of an entry fee cannot be made.

A pre-emption entry will be cancelled if for any reason the homestead entry to which it is attached is cancelled.

PURCHASED HOMESTEADS.

Purchased homesteads may be acquired in the tract described on page 23.

ENTRY.

Who may make Entry : Any person who has obtained entry for a homestead for which he has received or become entitled to letters patent, or has otherwise exhausted his homestead right, but has not received entry or patent for a pre-emption or assigned his right thereto, may, after the issue of patent for his homestead, or upon completing the requirements requisite to obtaining letters patent therefor to the satisfaction of the Agent of Dominion Lands for the district, as provided by the Act, or by regulation or order made thereunder, obtain entry as a purchased homestead for any available quarter-

section open for entry, on payment of a fee of \$10.

A widow who has secured homestead entry as the sole head of a family and afterwards remarries is not eligible to make a purchased homestead entry.

A woman claiming to be eligible to make a purchased homestead entry must submit proof that she is still eligible as the head of a family and comply with the same conditions in that respect as she did when granted homestead entry.

No person who has received patent for a purchased homestead may receive entry for another.

No person who has received patent for a pre-emption either under the former or the present law, is entitled to a purchased homestead entry.

No person who has received a patent for a homestead and has been allowed to purchase a quarter-section in addition, whether or not subject to settlement conditions, is entitled to a purchased homestead entry.

A settler who obtained a homestead entry and substantially completed the duties thereon but failed to fully comply with the Regulations and has been allowed to purchase in lieu of additional duties, is not debarred from securing a purchased homestead.

A person who entered for a homestead and located Half-breed Scrip thereon, thereby exhausting his homestead right, may, if he has not received a pre-emption and is otherwise eligible, apply for a purchased homestead.

Must declare Right : The applicant for entry for a purchased homestead must make a statutory declaration as to his previous homestead right and as to his present right to a purchased homestead on the form provided.

If the applicant for a purchased homestead has not received patent for his free homestead, the recommendation by the Land Agent of his application for patent will be considered sufficient evidence of completion of his duties on his free homestead to warrant his entry for a purchased homestead.

An entrant for a purchased homestead before the issue of patent for his free homestead, who fails to secure patent for his free homestead, shall thereby forfeit his entry for a purchased homestead.

Proxy : Entry for a purchased homestead cannot be made by proxy.

A person whose application for patent has been recommended by the Agent may be allowed to enter for a purchased homestead, although there may be land alongside his homestead available for pre-emption entry. But if he so elects to enter for a purchased homestead he shall not, unless such entry is cancelled, be given entry for a pre-emption.

DUTIES AND PRICE.

The homestead purchaser becomes entitled to patent by:

Residence : Residing for six months in each of three years subsequent to date of entry upon the purchased homestead.

If the entrant for purchased homestead resides upon his own farm, or a farm owned and occupied by his wife, of not less than eighty acres, within nine miles of the purchased homestead, exclusive of the width of the road allowance crossed in the measurement, residence upon such farm is accepted as residence upon his purchased homestead.

Residence with relatives in the vicinity is not allowed.

House : Erecting upon it a habitable house of a value of at least \$300. If the residence duties are performed upon the patented free homestead or purchased land in the vicinity, as above set forth, it will not be necessary to build a house upon the purchased homestead, but it must be shown that there is a \$300 house on the land where the residence has been performed.

Cultivation : Cultivating 50 acres of the land, a reasonable proportion of which must be done in each of three years, during two of which the breaking must be in crop.

There is no provision for reducing the area of cultivation required for a purchased homestead because of extra difficulty or expense in breaking.

Stock : Upon a report being obtained from a Homestead Inspector that the purchased homestead does not contain arable land to the extent required to earn patent under the regulations with respect to cultivation, the entrant will be permitted to substitute stock in lieu of breaking and seeding.

If permission to substitute stock is granted, the entrant will be required, when making application for patent for his purchased homestead, to show that he has had thereon stock solely owned by him as follows:

During the whole of the first year to the number of at least five head;

During the whole of the second year to the number of at least ten head;

And from and after the expiration of the second year up to the date of his application for patent, to the number of at least sixteen head.

All stock shall be kept on the purchased homestead, either for summer grazing or for winter feeding.

Buildings : Substantial buildings for the accommodation of the whole number of stock to be kept in any year shall be erected and

maintained upon the purchased homestead, or upon the entrant's free homestead, if his residence duties in connection with his purchased homestead have been performed upon such free homestead.

For details as to yearly declaration, fencing and inspection before patent, see paragraphs under the heading "Stock."

Payment: Paying for it at the rate of \$3 per acre.

Payment must be made, one-third at the date of entry and the balance in five equal annual instalments. Every instalment which is not paid upon the date on which it becomes due shall bear interest at the rate of five per cent per annum from such date until it is paid.

If the entrant so desires, he may make payment in full for his purchased homestead and obtain letters patent forthwith upon the completion of the required settlement duties.

The holder of an entry for a purchased homestead who cannot pay in full for the land may apply for patent as soon as the duties have been completed, if the required time has elapsed from the date of entry, but patent for the land will not issue until the full amount due has been paid.

Default in payment of interest or of instalment when due renders the purchased homestead liable to cancellation by the Department.

If patent is not applied for within five years from the date of entry, the entry may be cancelled by the Department.

If an entrant for a purchased homestead fails in any year to fulfil the requirements of the Act in respect thereto, the Minister may cancel the entry, and in his discretion cause to be refunded any moneys paid on account thereof. Refund of an entry fee cannot be made.

S U P P L E M E N T.

TIME OF EMPLOYMENT AS FARM LABOURER IN 1917 TO BE COUNTED IN CONNECTION WITH ENTRY.

The following Order-in-Council was passed on the 28th February, 1917:—

Notwithstanding anything contained in the Dominion Lands Act, or the amendments thereto, during the remainder of the year 1917, the holders of homestead, pre-emption or purchased homestead entries who are employed as farm labourers within the Dominion of Canada may be allowed the period of such employment as a like period of residence in connection with their respective entries, subject to the following conditions:—

1. The time of employment to be counted as residence duties must be subsequent to the actual date of entry in each case.

2. The provisions of this order shall not apply to unperfected proxy entries, nor to any case in which the entrant is engaged in any other employment than actual farm labour.

3. As soon as possible after the entrant commences work it shall be his duty to forward to the Agent of Dominion Lands for the district in which the land is situate, sworn evidence satisfactory to the Minister of the Interior, giving particulars of the land held under entry, the nature of the work performed, where performed, date of commencement, and probable duration.

4. Within thirty days after the term of employment has expired, and in any case not later than the 1st February, 1918, the entrant shall file with the local Agent for the district sworn evidence satisfactory to the Minister of the Interior, of the time actually spent on farm work.

5. In the event of the cancellation of any entry for default in the performance of the conditions thereof, nothing in this Order shall be held to confer any right or claim upon the former holder of any such entry, who, being engaged in farm labour in Canada, as aforesaid, has failed, prior to the date of cancellation, to notify the Agent of Dominion Lands for the district of the fact of his being so engaged.

6. The entry of any person complying with the foregoing provisions shall not, during the period of his employment on farm labour, be liable to cancellation by reason of his failure to perform the cultivation required in connection with his entry.

7. Notwithstanding anything contained in the Dominion Lands Act or the amendments thereto, the cultivation required to earn patent in such cases may be performed in two years instead of three.

8. In any case in which the Minister of the Interior is not satisfied as to the bona fides of the case, he is authorized to withhold the benefits provided by the foregoing.

Evidence of employment on a farm must be submitted as specified in paragraph 3, and shall be embodied in a Statutory Declaration by the entrant, certified by his employer. A form of declaration is supplied by the Department for this purpose.

The Order in Council will apply in the case of persons residing on purchased land beyond nine miles from their homesteads, or other class of entry, as the case may be; holders of patented free homesteads over nine miles from their purchased homesteads, and persons living on rented land, provided that any and all of such persons shall satisfy the Agent for the district that increased production will result by their occupation of such land.

The Order in Council will also apply on the same conditions to entrants employed or working with a relative on farm lands in Canada, such entrants being engaged in exclusively agricultural work.

Attention is directed to the fact that farm work in every case must be performed in Canada and that unprotected proxy entries do not share in the benefits of the Order in Council.

When Term of Employment Completed.

In order that the entrant may be credited with the time of his employment in agricultural pursuits as residence on his land, it will be necessary for him at the conclusion of the period of his employment to submit sworn evidence on the ordinary form of application for patent corroborated by the sworn testimony of two witnesses, giving the facts in regard to such employment. Except where otherwise specially authorized by the Department, the evidence of the applicant will have to be given before the nearest Agent of Dominion Lands, Sub-agent or Homestead Inspector. The evidence of the two witnesses may be given in the form of statutory declarations before a Notary Public. Where the entrant was employed by another person, he will also require to submit a certificate from his employer, giving the name of the entrant, the land where he was employed, the nature of the work, and the dates of commencement and ending thereof.

If this evidence is found to be in proper form and otherwise satisfactory, it will do away with the necessity for submitting proof in regard to the period of time spent in farm labour when the entrant comes to make the ordinary application for patent at the conclusion of his duties.

PRIORITY GIVEN TO RETURNED SOLDIERS IN APPLYING FOR ENTRY FOR LANDS POSTED OR ADVERTISED.

An Order in Council was passed, dated the 5th March, 1917, (see copy below) granting returned soldiers, who have served overseas and who have been honourably discharged, prior right of entry for a period of one day in the event of lands becoming available for settlement, after the same have been advertised or posted. This Order in Council came into effect on the 2nd of April, 1917.

Before the office door is opened each morning the Local Agent will make announcement to any applicants who may be in waiting, of the effect of this regulation. The additional day will then be allowed, during which day **those parties only** who come under the terms of the

Order in Council and who submit for the Agent's inspection satisfactory papers of honourable discharge, may make application for entry for the land becoming available on that date.

Any such applicant must be eligible under the Dominion Lands Act and the amendments thereto, or regulations thereunder, for entry of the class for which he intends to make application, and he must be prepared to fulfil the settlement conditions thereby prescribed.

Applications must be made, received and dealt with in accordance with the law and regulations. Applicants will be required to assume the seed grain liability of previous entrants in accordance with the general rule governing cases of that kind.

The matter of improvements will be dealt with under the general rules. The entrant must agree to perform the settlement duties called for by the Act and Regulations.

The provisions of this Order will not be of any assistance to men over military age, or men who being of military age have been turned down as medically unfit and have not been overseas.

The Order in Council, as will be observed, only provides for priority for men who have served overseas.

It has been represented that some persons are taking advantage of this concession and are selling or professing to sell the rights of soldiers to prior entry. As the entry is to be made in the name of the returned soldier, and as he has to submit his discharge papers for the inspection of the Agent, it is not understood how any personation or substitution could take place.

It is, however, considered advisable, pending action by Parliament on the whole subject, to warn the public against buying from any person who may claim to be in a position to sell a so-called "soldier's right."

Regulations made by Order in Council of 5th March, 1917.

Wherever any parcel or parcels of Dominion Lands become available for entry after having been advertised or posted according to the provisions of the Dominion Lands Act, as amended, and of any regulations thereunder, a period of one office day shall be allowed, immediately following the expiry of the term of advertising or posting, during the office hours of which day the right of making entry for such parcel or parcels of Dominion lands shall be restricted to returned soldiers who have served overseas during the present war, with the military or naval forces of Great Britain, or with any of the Allies of Great Britain, who have been honourably discharged therefrom, and who

are present in person at the office of the local Agent for the district for the purpose of making entry. An application for entry by any of these soldiers shall be made, received and dealt with in all respects, except as herein provided, under the provisions of the said Act, as amended, and regulations then in force. Each of such returned soldiers applying for entry on the day above mentioned shall submit for the inspection of the Agent of Dominion Lands for the district in which the land so applied for is situate, his certificate of honourable discharge from military service of the nature before referred to; failing which his application for entry shall not be accepted on that day.

2. In the case of more than one returned soldier being present at the opening of the Land Office on the day above referred to, priority as between the respective applicants shall be decided under the then existing regulations in that behalf.

3. No concessions shall be extended to a returned soldier who applies for entry at the office of any Sub-agent of Dominion Lands.

4. Upon the opening of the Land Office for the district, on the day immediately following the period set apart for receiving applications for entry from returned soldiers, as above set forth, the disposal of any such parcels of land remaining unentered for shall proceed in the manner provided for by the then existing Dominion Lands Act as amended, and regulations thereunder.

In the event of any question being raised as to the interpretation of any of the foregoing regulations, the Minister of the Interior is authorized to decide such question in such manner as he may deem just, having in view the circumstances of the case.

SUBJECTS OF ENEMY STATES.

Summary of Orders in Council under the War Measures Act.

The Order in Council of the 14th December, 1916, as amended by the Order in Council of the 3rd April, 1917, provides as follows:—

“Notwithstanding any provision in the Dominion Lands Act or in any Act amending the same, during the present war and thereafter until otherwise ordered, no application for an entry for a homestead shall be granted unless the person making the application was, at the commencement of the present war, and has since continued to be a British subject or a subject of a country which is an ally of His Majesty in the present war, or a subject of a neutral country, and unless he establishes the same to the satisfaction of the Minister of the

Interior." "The provisions of this paragraph shall not apply to members of the Canadian Expeditionary Forces."

In any case where there is reason to doubt the bona fides of the applicant for entry the Agent will insist on the production of a passport or naturalization certificate, as the case may be, and in case of failure to produce either, or other satisfactory evidence that the applicant is as he represented himself to be, the Agent is authorized to refuse to grant entry and submit a full statement of the case to the Department.

So far as certificates of naturalization issued in this country are concerned the Agent will particularly note the date thereof. If the certificate bears a date prior to the 4th August, 1914, the same may be accepted as establishing the applicant's standing as a British subject.

If the certificate bears a date subsequent to the 4th August, 1914, and shows the recipient was formerly a German, Austrian, Bulgarian, or Turkish subject, entry will be refused.

If the certificate is dated subsequent to the 4th August, 1914, and shows that the recipient claimed, when applying for such certificate, that he was a subject of a state allied with Great Britain in the present war, or a subject of a neutral state, in the event of the Agent having any reason to believe that the holder of such certificate was actually a subject of one of the countries at war with Great Britain, the Agent will insist upon the production of such evidence as may be sufficient to satisfy him as to the actual nationality of the applicant for entry, prior to obtaining the certificate of naturalization in question.

A passport would be the most satisfactory form of evidence in a case of this kind.

Concerning Persons who were Naturalized under the Laws of a Neutral State before Outbreak of War.

Under the Order in Council referred to, a native of an enemy state who is now a naturalized American citizen, and who completed his naturalization in the United States before the outbreak of the war (4th August, 1914), would be regarded as entitled to the privilege of making homestead entry on Dominion Lands in Canada if he declares in the usual way at the time of making homestead entry, his intention of becoming a British subject. It would be necessary for an intending applicant coming under this head to produce, when applying for entry, his United States naturalization papers for the inspection of the Agent of Dominion Lands.

Natives of enemy States who may have secured naturalization as British subjects or as subjects of an allied or neutral nation after the

commencement of the present war are debarred from making homestead entry in Canada under the terms of the Order in Council referred to.

“Rights of Enemy Subjects ” withdrawn in connection with public Lands generally.

During the present war and thereafter until otherwise ordered, no application for or any assignment of any right, power or other benefit in connection with any water powers, forestry, Dominion lands, Ordnance and Admiralty lands, Dominion lands in the Railway Belt of British Columbia, School lands, Mining lands, Timber and Grazing on the above described lands, Dominion Parks, Irrigation or the natural resources of the North West Territories, shall be granted or allowed to any person who was not at the commencement of the present war, and who has not since continued to be a British subject, or a subject of a country which is an ally of His Majesty in the present war, or a subject of a neutral country.

If any right, power or benefit hereinbefore referred to is acquired by a subject of an enemy country, whether through error, misrepresentation or fraud, the Minister of the Interior may cancel the right, power or benefit so granted or assigned, and thereupon the same shall ipso facto be cancelled, and any money or fees paid to or deposited with His Majesty in connection therewith shall be ipso facto forfeited to His Majesty.

N.B.—Any settler who lawfully obtained a homestead, a purchased homestead, or a pre-emption entry prior to the fourteenth day of December, 1916, is not at the present time debarred, by reason of his nationality, from obtaining Letters Patent for the land so held by him, provided it is shown to the satisfaction of the Department that the conditions of the entry have been fully complied with and that the holder of such entry has become a British subject.

Department of the Interior,
Ottawa, 20th September, 1917.

